

Statement before the Congressional Human Rights Caucus
National Democratic Institute for International Affairs
May 25, 2005

I would like to thank the Human Rights Caucus for this opportunity to present NDI's views on the human rights and political situation in Nepal. This hearing could not have come at a more critical time. With a violent Maoist insurgency and a political crisis exacerbated by restrictions on political and civil liberties, Nepal is at a democratic crossroads. Nevertheless, the international community has an opportunity to encourage the King to restore political and civil liberties, and to work with the political parties to reinstate the nation's democratic institutions and develop a united strategy for dealing with the growing political crisis and the insurgents.

The National Democratic Institute (NDI) has been working in Nepal since 1994. Our early work focused on helping members of parliament develop the capacity to oversee executive branch ministries and formulate a code of conduct which addressed issues such as financial disclosure. From 1997 to 1999, NDI conducted a program to help political parties train over 4,000 women candidates to run for local office and fulfill their responsibilities once elected. From 2001 to 2004, we extended that program to build the capacity of political parties to develop women candidates and political leaders, helping political parties train almost 11,000 candidates. The Institute also trained an additional 1,700 former women representatives and community leaders. We also assisted the The Commission for the Investigation of the Abuse of Authority (CIAA) in strengthening its ability to investigate official misconduct. In 2005, the Institute initiated a series of concurrent programs to promote consensus building between parties, strengthen political party leadership and internal structures, and encourage civil society oversight of the political process

In 1990, Nepal launched a transition to democracy amidst much popular enthusiasm. Unfortunately, instability has plagued the political system since the transition began and the nation has seen a series of short-lived governing coalitions. This instability has impeded efforts to address the nation's serious economic problems and the public's dissatisfaction with the performance of their political leaders has, in turn, fueled the insurgency launched by the Maoists in 1996. In June 2001, King Birendra and nine other members of the royal family were killed, throwing the country into a period of even greater uncertainty as the Maoist insurrection intensified.

In the aftermath of the death of King Birendra, tensions between the new monarch, King Gyanendra, and the major political parties have run high. In response to security-related election delays after Prime Minister Sher Bahadur Deuba dismissed parliament in May 2002, King Gyanendra dismissed the Prime Minister and installed his own administration. In June 2004,

Deuba was reappointed prime minister and charged with negotiating a settlement with the Maoists and organizing national elections within one year. After the Maoists did not respond to an offer for negotiations in January 2005, Prime Minister Deuba called for new national elections to be scheduled within six months.

These plans were abruptly derailed on February 1 when King Gyanendra declared a State of Emergency, dismissed the prime minister, placed political party leaders under house arrest, temporarily disabled Nepal's communication systems, and assumed control of media institutions. King Gyanendra subsequently appointed a new Royal Council of governing ministers, effectively consolidating his political power for the foreseeable future. Many cite the appointment of Dr. Tulsi Giri and Kirtinidhi Bista as co-chairmen of the Council as a sign of a possible return to the *Panchayat* system, where political parties were banned but members operated through the government-sponsored class and professional organizations.

On April 29 the King lifted the State of Emergency. However, significant obstacles still impede the restoration of democracy in Nepal. The palace continues to restrict many fundamental rights: political protests are banned in key areas of Kathmandu; censorship laws are still in force; and prominent politicians, rights activists, journalists and others have been barred from leaving the capital. Though many political activists and student leaders have been released in recent days, others continue to be arrested and jailed by security forces, even in defiance of Supreme Court orders. The Royal Corruption Control Commission (RCCC), established by the palace in the wake of February 1, is perceived as a political tool to target democratic politicians, including former prime minister Deuba.

In an effort to counter these restrictions, seven political parties (which previously held 95 percent of the seats in the former House of Representatives) have convened an alliance calling for the restoration of democracy. First on their agenda is the reinstatement of the 1999 Parliament, a demand which is unlikely to be entertained by the palace. The seven-party alliance has also insisted on the dissolution of the RCCC, asserting that it is attempting to hide "authoritarian royal moves" under the cloak of curbing corruption. Though cautiously optimistic, members of the international community, including the United States, India, and European Union, have lauded the parties' steps toward a unified goal.

King Gyanendra's recent actions do not indicate that he has any interest in reconciling with the political parties. There are rumors that he plans to reshuffle the cabinet in the coming days to include more broadly accepted foreign and finance ministers, or to reappoint a prime minister of his choosing, but these actions are perceived as face-saving measures to the international community and are unlikely to win the support from the political parties. The palace's approach to addressing the Maoist conflict is also unclear at this time. Home Minister Dan Bahadur Shahi recently stated that the government would not initiate any peace talks with the Maoists.

The palace continues to support plans for municipal elections in the coming year. While political parties remain divided on whether they will participate in these elections and under what conditions, they have all voiced concerns that the elections would do little to bring a genuine restoration of democracy to Nepal. Most political parties fear candidates lack sufficient protection from security forces during the campaign period and after election. The security

situation outside the Kathmandu valley has not improved as clashes between Maoists and the Royal Nepal Army (RNA) continue, and the government's encouragement of vigilantism has encouraged Maoist retribution and put innocent citizens' lives at risk.

Information on human rights abuses by the Maoists and RNA has been limited until now. It has been difficult for many human rights groups to conduct independent investigations due to travel restrictions, the media cannot publish information on rights abuses, and FM radio stations are still barred from airing news programs across the country. However, the arrival of the UN human rights monitoring mission is an important development, as it is hoped to bring greater accountability to the RNA and provide much needed information on the reality of the conflict outside Kathmandu.

International pressure has proven to be an influential force in the conflict and can continue to play an important role in the restoration of democracy in Nepal. The international community should continue to work with the political parties to come to a consensus on restoring the democratic process while calling on the King to reconcile with the parties. In addition, the government should adhere to the International Covenant on Civil and Political Rights, of which Nepal is a signatory, by immediately restoring political and civil rights, including insuring an inclusive political environment that permits the political parties to contest the upcoming municipal elections in a free and fair manner. Finally, the international community should also continue to pressure the RNA to insure that human rights abuses are prevented and investigated in a timely, transparent, and effective manner.